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FORT LAUDERDALE CITY COMMISSION
DECEMBER 17, 2002**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION**

**CITY COMMISSION MEETING ROOM
CITY HALL
FORT LAUDERDALE, FLORIDA**

DECEMBER 17, 2002

Meeting was called to order at approximately 6:02 p.m. by Mayor Naugle on the above date.

Roll call showed:

Present: Commissioner Gloria Katz
Commissioner Tim Smith
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present: City Manager, F. T. Johnson
City Attorney, Harry Stewart
City Clerk, Lucy Kisela
Sergeant At Arms, Sergeant Mark Furden

Invocation was offered by the City Clerk of Fort Lauderdale, followed by the recitation of the Pledge of Allegiance.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Motion made by Commissioner Smith and seconded by Commissioner Katz to approve the agenda and minutes of the December 10, 2002 meeting. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

Presentations

OB

1. Expressions of Sympathy

The Mayor and City Commissioners presented an Expression of Sympathy to the family of Susan Barras and Dr. Ina Darymple.

2. "WOW Award"

Commissioner Hutchinson asked that Ina and Mohammed Cash come up to the podium and receive the "WOW" Award for the month of December. She stated that this home was located in the newly annexed Riverland area at 2300 Hammock Lane. The home was built in 1982 and was constructed of Cedar with 33,000 custom pieces of Coral, and 42 pillars of lumber were held together with 3,000 bolts. The owners had purchased the property 5 years ago and created a lush landscape consisting of over 400 plants. Mr. and Mrs. Cash thanked the City.

3. Recognition of City Staff

Commissioner Moore proceeded to recognize the staff on the 8th floor as follows:

Pam Brown
Maxine Singh
Patrice Wilson
Lisa Donaldson
Safeea Ali

4. David R. Drimmer, "Cosmic Muffin"

Commissioner Smith stated that he had a unique commendation to present. He proceeded to honor David R. Drimmer who was the owner/operator of the "Cosmic Muffin" which was an airplane turned into a boat.

Mr. Drimmer thanked the Mayor and City Commissioners for the recognition. He explained that the boat was very unique. He explained that his friend, Jeff Gibbs, had been the guiding light and driving force which convinced him to rebuild the boat. He further stated that presently the boat was docked at the Las Olas Riverfront and everyone was welcome to tour it. He stated that their plans were to develop the boat as an historic attraction in Fort Lauderdale for permanent display.

5. Recycling Incentive Grant Awards

Commissioner Katz recognized the following neighborhoods for being awarded the "Recycling Incentive Grant Awards for 2002, which totaled \$15,824:

The Landings	\$	460
Poinciana Park		575
Coral Ridge Isles		713
Coral Ridge		782
Poinsettia Heights		920
Lauderdale Manors		989
Croissant Park		1012
River Oaks		1380
Tarpon River		1426
Sunset		1725
Victoria Park		1748
Lake Ridge		1840
South Middle River Civic Association		2162

Consent Agenda

(CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement - Ocean Mile Swim**(M-1)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **International Swimming Hall of Fame, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **Ocean Mile Swim** to be held **Sunday, January 4, 2003 from 9:30 a.m. to 11:00 a.m.** at Fort Lauderdale Beach.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1855 from City Manager

Event Agreement - Las Olas Art Fair**(M-2)**

A motion authorizing the proper City officials to execute an Indemnification and Hold Harmless Agreement with **Las Olas Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Las Olas Art Fair** to be held **Saturday and Sunday, January 4 and 5, 2003 from 10:00 a.m. to 5:00 p.m.** in the East Las Olas Boulevard shopping district; and further authorizing the closing of East Las Olas Boulevard from S.E. 6 Avenue to S.E. 11 Avenue from 4:30 a.m. Saturday, January 4 to 10:00 p.m. Sunday, January 5, 2003.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1816 from City Manager.

Event Agreement - NHL All Star Event**(M-3)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Las Olas Riverfront Associates Limited Partnership** to indemnify, protect, and hold harmless the City from any liability in connection with the **NHL All-Star Event** to be held **Wednesday, January 29, 2003 from 5:00 p.m. to 11:00 p.m.**; and further authorizing the closing of S.W. 1 Avenue from S.W. 2 Street south to the alley between Las Olas Riverfront and Las Olas Park Place from 11:00 a.m. Wednesday, January 29 to 5:00 a.m. Thursday, January 30, 2003.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1817 from City Manager.

Event Agreement - Men's Awareness**(M-4)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification and Hold Harmless Agreement with **Christ Found All Creation Saved (CFACS)** to indemnify, protect, and hold harmless the City from any liability in connection with the **Men's Awareness** to be held **Saturday, February 1, 2003 from 9:00 a.m. to 9:00 p.m.**

Recommend: Motion to approve.
Exhibit: Memo No. 02-1818 from City Manager.

**Amendment to Agreement and Extension of
Term - Carriage (CFS Funeral Services, Inc.) -
Maintenance and Operation of the City Cemeteries**

(M-5)

A motion authorizing the proper City officials to execute an amendment to the agreement, including a five (5) year extension, with Carriage (CFS Funeral Services, Inc.) for the maintenance and operation of the City Cemeteries effective October 1, 2003.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1786 from City Manager.

**Five-Year Capital Improvement Plan (CIP) -
Years 2002-2007**

(M-6)

A motion approving the five-year Capital Improvement Plan for years 2002 through 2007.

Recommend: Motion to approve
Exhibit: Memo No. 02-1771 from City Manager.

**Contract Extension - The Rhodes Insurance Group -
Employee Health Plan**

(M-7)

A motion authorizing the proper City officials to extend the agreement with The Rhodes Insurance Group through March 31, 2003, for assistance with the City's employee health plan.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1853 from City Manager.

**Lease Agreement - Flotilla Two, Inc. -
U.S. Coast Guard Auxiliary Building -
601 Seabreeze Boulevard**

(M-8)

A motion authorizing the proper City officials to execute a lease agreement with Flotilla Two, Inc. for use of the U.S. Coast Guard Auxiliary building and property located at 601 Seabreeze Boulevard for a term of one year commencing January 1, 2003 through December 31, 2003.

Recommend: Motion to approve.
Exhibit: Memo No. 02-1828 from City Manager.

**Reimbursement of Costs per Pipeline/Crossing
Blanket Utility Agreement - Florida East Coast Railway
Company (FEC) - Pipeline Crossings Pavement Rehabilitation**

(M-9)

A motion authorizing the payment of \$11,430.65 to the FEC for reimbursement of costs associated with the City's share for the pipeline crossings pavement rehabilitation in accordance with the 1996 FEC Blanket Utility License Agreement with the FEC, as amended in 2000.

Recommend: Motion to approve.

Exhibit: Memo No. 02-1657 from City Manager.

**Reimbursement of Costs per Pipeline/Crossing
Blanket Utility Agreement - Florida East Coast Railway
Company (FEC) - Reconstruction of S.W. 22
Street Railroad Crossing**

(M-10)

A motion authorizing the payment of \$39,369.50 to the FEC for reimbursement of costs associated with the City's share for the reconstruction of the S.W. 22 Street railroad crossing in accordance with the 1954 Pipeline/Crossing Blanket Utility Agreement with the FEC.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-1846 from City Manager.

**Executive Airport - Acceptance of Steel Traffic Plates
from JM Family Enterprises, Inc. (JM Family Aviation)**

(M-11)

A motion authorizing the proper city officials to accept seven (7) steel traffic plates from JM Family Enterprises, Inc. (JM Family Aviation)

Recommend: Motion to approve.

Exhibit: Memo No. 02-1669 from City Manager.

**Change Order No. 3 - National Landscape, Inc.
Project 10279 - N.W. 22 Road Landscape and Sidewalk Project**

(M-12)

A motion authorizing the proper City officials to execute a Change Order No. 3 with National Landscape, Inc. in the amount of \$17,457.40 for additional work associated with the N.W. 22 Road landscape and sidewalk project.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 02-1847 from City Manager.

PURCHASING AGENDA

**County - One Year Contract for Aggregates,
Top Dressing and Sand**

(Pur - 1)

A one-year agreement for the purchase of aggregates, top dressing and sand is being presented for approval by various departments.

Recommended Award: Tenex Enterprises (WBE)
Coral Springs, FL
Glen Contracting
Davie, FL

Amount: Per unit pricing
Bids Collected/Rec'd: 166/7 with 5 no bids
Exhibits: Memorandum No. 02-1790 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve a one-year agreement.

Florida Sheriff's Assoc. - Purchase of Two Pickup Trucks

(Pur-2)

An agreement to purchase two pickup trucks is being presented for approval by the Administrative Services, Fleet Services Division.

Recommended Award: Duval Ford
Jacksonville, FL

Amount: \$ 41,643.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1839 from City Manager

The Procurement and Materials Management Division recommends awarding from the Florida Sheriff's Association Contract with the transfer of \$41, 643 from Service Chg-Vehicles Rental (PBS680404-4373) to the Fleet Fund (ADM030501-6416).

**Proprietary - Annual Maintenance for Police CAD
and RMS System**

(Pur-3)

An annual maintenance agreement for the Police CAD and RMS system is being presented for approval by the Police Department.

Recommended Award: Intergraph
Huntsville, AL
Avel-Tech
Laval, Que. Canada
Smart Business Systems
Tampa, FL
Tiburon, Inc.
San Francisco, CA
Amount: \$ 246,607.32
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1844 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

**City of Apopka - Chemical, Biological Suits and
Breathing Equipment**

(Pur-4)

An agreement to purchase chemical, biological suits and breathing equipment is being presented for approval by the Police Department.

Recommended Award: Fisher Scientific Co. LLC
Tampa, FL
Amount: \$ 80,185.20 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-1781 from City Manager

The Procurement and Materials Management Division recommends awarding from the City of Apopka contract.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item Nos. M-5, M-6, and M-8 be deleted from the Consent Agenda and considered separately, and that all remaining Consent agenda items be approved as recommended. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Amendment to Agreement and Extension of Term -
Carriage (CFS Funeral Services, Inc.) - Maintenance
and Operation of the City Cemeteries**

(M-5)

Commissioner Smith stated that he had pulled this item because he wanted to make certain that the discount offer for internment for City residents was included in the new contract.

Julius Delisio, Parks and Recreation, stated they would continue with the discounts for property, mausoleums, and internments.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve this item. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Five-Year Capital Improvement Plan (CIP) -
Years 2002-2007**

(M-6)

Commissioner Katz stated that she had pulled this item and wanted to go on record saying that she wanted to make sure that the money for Riverwalk was being set aside in the Recap Fund and the regular CIP Fund. She also suggested that if money was being set aside in different areas, that the Riverwalk people should be informed so they could monitor those funds.

Phil Thornburg, Parks and Recreation, stated they would do that.

Motion made by Commissioner Katz and seconded by Commissioner Hutchinson to approve this item. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Lease Agreement - Flotilla Two, Inc. Inc. -
U.S. Coast Guard Auxiliary Building -
601 Seabreeze Boulevard**

(M-8)

Commissioner Katz stated that she had pulled this item and wanted to make sure that with everything going on at the beach, that this only be a one-year lease and then they would review it at the end of the year to make sure their hands would not be tied and leave opportunities opened for the future.

Chuck Adams remarked that historically the leases had been renewed on a one-year basis, but the Auxiliary had been asking for a long-term lease. He stated that it was up to the Commission if they wanted them to continue the long-term lease in process.

Commissioner Smith felt they needed to do the right thing and stated they were providing an important experience for the boaters, and with Homeland Security being an issue there were additional duties taken on by this organization, and he felt it was important they have a reasonable facility. He explained the existing facility was "old and tired," and it needed to be rebuilt so they could continue providing their services to the community. He stated that they could not obtain bank financing on a one-year lease, and needed a long-term lease to make that happen. He stated further that he was in favor with proceeding with the 50-year lease.

Commissioner Moore stated it was necessary for the Commission to assist the Coast Guard in this matter, and further stated that he appreciated everything they did for the community.

Commissioner Katz stated that she wanted to repeat her plea and explained that she was not saying that they didn't deserve a place, but she felt there were other sites available to where they could be relocated. At this point in time, she felt if they were looking at the Swimming Hall of Fame and other possible development, she did not want to tie the City's hands. Commissioner Katz suggested doing an annual lease, and stated that next year they could then review the situation and see how to proceed.

Mayor Naugle stated that the back-up information explained this was a one-year lease which would

enable them to advertise properly so a 50-year lease could be entered into, and the matter would come before the Commission some time in the future. He further stated it was obvious they needed a long-term lease in order to obtain financing for the necessary improvements, and renewing it yearly would not be adequate. He also stated that the organization, by not having a long-term lease, was burdened with the uncertainty as to whether they would have a home from year to year. Mayor Naugle repeated that the item on tonight's agenda was a one-year lease, but there was a disclosure in giving that one-year lease that they were pursuing a 50-year lease plan.

Motion made by Commissioner Smith and seconded by Commissioner Moore to approve this item per staff's recommendations.

Neil Schiller, Bahia Mar/Boca Resorts, stated that he did not feel that anyone disputed the fact as to how valuable the Coast Guard Auxiliary was, but they had recently gone through an arduous process with the ULI, and he did not want the City to tie their hands with a 50-year lease. He stated there was a tremendous renaissance which was about to take place at the beach, and asked the Commission to approve the annual lease and then review the matter.

Mayor Naugle stated it was his understanding from reading the back-up information provided that in order to enter into a 50-year lease, they needed to go through a procedure including public hearings, readings, and advertising. The City Attorney confirmed and stated that if the Commission chose to proceed with a 50-year lease, there would be a separate process to do so according to the City Charter.

Commissioner Smith clarified that this was a plan as to how they could proceed with that process in January and February of 2003 in order to consider the 50-year lease. The City Attorney confirmed.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

Lien Settlement for Code Enforcement Board Case

(M-13)

A motion authorizing a settlement as proposed for the following Code Enforcement Board case. On December 10, 2002, the City Commission deferred consideration of this item to December 17, 2002 by a vote of 5-0.

1. 1518 N.W. 6 Street (CE00041235) - Eula M. Johnson - \$50,000

Commissioner Moore reiterated that this item had been discussed at the last meeting and due to the Commission's concerns, they had asked for this to be tabled and discussed at tonight's meeting. He stated that he had attempted at the last meeting to explain the situation surrounding the concerned property. Commissioner Moore further stated that Mr. Johnson's grandmother had been the owner of the property who had many health problems. He also stated that there had been a long-standing lease agreement with a tenant which did not follow the City's Code. Since that time, Mr. Johnson's grandmother had passed on, and the lease ended since Mr. Johnson had gained control of the property, and many of the code enforcement issues had been resolved.

Greg Johnson stated that his grandmother had been a pioneer of Broward County and the first African-American business woman who owned a service station in the City. He stated that she had Alzheimer's for about 10 years and miscommunication had occurred regarding the situation. He explained that he did not know anything about the code enforcement issues until about 3 weeks ago, and then he had met with Commissioner Moore. Mr. Johnson continued stating that when he had discovered people using drugs at the property, he proceeded to tear down one of the buildings, and had spent a lot of money rehabilitating the existing building. He stated that he wanted to sell the property, and had 3 offers from two development groups and a private group. Mr. Johnson asked the Commission to help him in this matter.

Commissioner Moore stated that his recommendation was the same as at the last meeting and felt the fine should be reduced, and due to the fact there were offers on the property for offices to be built, he wanted to expedite the matter. He further stated that at the last meeting he had suggested that the fines be reduced to \$2,500.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to reduce the fine to \$2,500 on the subject property.

Commissioner Katz stated that the Commission's policy had been to reduce the fines to 15%, and she felt this reduction would promote individuals asking for special favors and believed they should stick with their rules.

Commissioner Moore clarified that the policy stated was that staff could not make a recommendation for less than 15% of the fine, but the policymakers who were familiar with the communities and efforts made by property owners could ask for further reductions.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, and Mayor Naugle. NAYS: Commissioners Smith and Katz. Motion carried 3-2.

Lien Settlement - 1130 N.E. 6 Avenue

OB

Commissioner Smith stated that he had a reconsideration of a lien settlement from the last meeting.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to reconsider Item 10 (M-24), 1130 N.E. 6 Avenue. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

Commissioner Moore left the meeting at approximately 6:41 p.m. and returned at 6:44 p.m.

Adam Harmon, representative of the property owner, stated that the fines were reduced to \$17,000 at the last meeting, but the reason they were asking for a further reduction was because many of the violations had been relatively minor. The main reasons he and his partner Rocko Marucci had gone to the property on several occasions with Scott Walker of the City Attorney's office, was because several of the violations were unclear and confusing. In addition, there was a request for the construction of a wall and the Code was not very clear stating: "A six and one-half foot to ten foot wall had to be constructed if it abuts residential property." He explained that this property did not exactly abut residential property, but the property owner did take out a loan for \$12,000 to pay for the construction of the wall. He further stated that the owner had spent a lot of money in resolving the violations, and therefore, was asking the fines be reduced so he would not go into foreclosure.

Antoine Fennel thanked the City for their consideration and proceeded to ask the Commission to consider a further reduction of the fine.

Commissioner Smith stated he was willing to bring this item back to the Commission because this was a

different matter. The violations were mostly inside the concrete wall and hidden from the public. He further stated that at some point fines could not be reduced more than 15% and he was not comfortable with a motion which would do so.

Motion made by Commissioner Smith and seconded by Commissioner Moore that the fine be reduced to 15% and have the City arrange for a payment schedule for the property owner. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**City Commission Request for Review - Amend Site
Plan Level II Approval/RAC-East TMU - Venezia Las
Olas, Inc. for "The Venezia Las Olas" (PZ Case No. 24-R-99)**

(M-14)

A motion scheduling a public hearing for Wednesday, January 22, 2003 in conjunction with review of a proposed amendment to the approved Site Plan Level II of The Venezia Las Olas development, which was administratively approved December 5, 2002. (Requested by Vice Mayor Hutchinson)

Applicant: Venezia Las Olas, Inc.
Request: Amendment to Site Plan Level II (DRC) Approval
Location: 111 S.E. 8 Avenue

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to schedule the hearing for Wednesday, January 22, 2003. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Settlement Agreement - Elgin Jones and U.S.
Department of Justice**

(M-15)

A motion authorizing the proper City officials to execute a settlement agreement with Elgin Jones and U.S. Department of Justice.

Motion made by Commissioner Smith and seconded by Commissioner Moore to approve the settlement as recommended.

The City Manager stated that the City Attorney had additional information relative to the totality of this settlement.

The City Attorney stated that they had a mediation agreement with the Department of Justice. He explained that the Department of Justice, notwithstanding the Order of the Court to send someone to the mediation who had authority to make a decision, did not do so. They now entered into an agreement which was explained in the back-up material, but it had not yet been approved by the higher authorities in the Department of Justice. The City Attorney asked the Commission to approve the settlement agreement contingent upon that no disbursements of any kind would be made until an agreement would be entered into by the City and the Department of Justice in substantial conformity with the mediation agreement, which would be satisfactory to the City Attorney and the City Manager.

Commissioner Smith stated he would support this, but felt it was important that the City Manager give his comments because this was a very important matter.

Commissioner Moore asked why the City could not wait until the Department of Justice acted on it before they moved forward on this matter. He stated if they were to make this recommendation and the Department of Justice did not agree, then the City would be "placing all their cards on the table."

The City Attorney explained there were other parties involved in the lawsuit and the settlement itself was time sensitive. He stated that Mr. Jones wanted his money, and the City wanted to enforce other conditions in the agreement and wanted to do that before the Commission's meeting in January. He further stated they believed they would have the information from the Department of Justice shortly.

Commissioner Moore stated that he was supportive, but would not vote on this matter until the Department of Justice gave some rationale as to their position. The City Attorney stated that he believed they had an agreement in concept and form with the Department of Justice which they expected to finalize soon.

Gordon Rogers, attorney and outside counsel for the City, explained that they had a basic agreement hammered out with the Department of Justice with the exception of a couple of legal issues. He further stated that in dealing with the Department of Justice everything had to go through five levels of bureaucracy. He stated that the Jones matter was the only agreement in which money would be disbursed which had a specific contingency stating that no money would be disbursed and no settlement would be reached, unless they entered into an agreement whereby the Department of Justice would dismiss its claims against the City. He felt all contingencies had been covered, and was requesting that the Commission authorize the City Manager and City Attorney to meet and hammer out the remaining details. He explained that they did not anticipate this taking more than a few days, and no substantive change would be made in what had been agreed upon during mediation.

The City Manager stated that he wanted to address some of the concerns of the Commissioners as to how the Department of Justice had become involved in this matter. Mayor Naugle stated that he believed everyone knew how they came to be involved in this case, and he thought there was a settlement for the Commission to approve at tonight's meeting, but apparently there was not.

The City Manager explained that they were recommending approval of the settlement proposed in the Jones case. He further stated that the contingent settlement of the issues before the Department of Justice, which were non-monetary in nature, dealt with the City's behavior as an organization moving forward for two years. They also wanted to be advised each time they recruited for the Engineering Inspector and proceed with an inspection. He explained that they wanted to make sure that the City was conducting training as it related to the Public Services Department and Executive Management Team. The City Manager stated that these were the types of issues that remained to be resolved.

The City Manager stated that the significance of the settlement and where it stood in regard to the history of this City, was that this was a matter which was brought before the City in 1997, and which took a considerable amount of time, effort and cost. He further stated that the City was being viewed uncomplimentary by many individuals, and not in a way of what this City actually represented. The City Manager stated that they believed by settling this case the City was not admitting to any guilt, but were admitting to several areas that needed further improvement. He stated they admitted to this openly and continued to make those admissions at tonight's meeting, wherein they wanted to create a work environment where everyone was treated with the same degree of respect and dignity that they themselves wanted to be accorded. He stated further that he was making a commitment to the Commission that they would work towards that goal.

The City Manager stated that in making the decision to recommend the settlement, the Commission was faced with a business decision. In taking matters to the full extent of litigation and even when they prevailed, the cost was substantial. He explained this was why the City had entered into an insurance arrangement to protect them in such matters.

The City Attorney stated it was the dispute with the Department of Justice which was holding up the matter, and there was no substantive dispute with the Department of Justice. He stated that he could only describe the points raised by them at this point as minutiae. He explained they did not want to

dismiss the case with prejudice and have the settlement agreement stand invoking the jurisdiction of the settlement agreement. He stated it was a legal discussion of whether or not they could dismiss with prejudice, and then come back in and enforce the settlement agreement. The City Attorney stated they believed it was clear as a bell that every case they settled generally settled on the basis of a dismissal with prejudice, and then a settlement agreement was entered into. If a breach of the settlement agreement occurred, they could return to the Court and enforce it.

Commissioner Moore recommended that a special meeting be held in regard to this matter. He asked if the Department of Justice had suggested that the recommendations be included.

The City Attorney explained that the wording in the agreement had been negotiated and was a far cry from the consent decree submitted earlier in the process. It gave the Department of Justice almost everything they had asked for, but was in a different format. He further explained that it was in a settlement agreement format, which they believed protected the City against non-parties to this agreement, and provided them with some ability to review the City and its record-keeping procedures for the next two years. Substantially, it was the same document that had been asked for in the first place.

Commissioner Moore asked if the agreement gave them what they had asked for, why did they not sign it. He felt obviously something was missing and further negotiations were needed. He stated that his concern was that some satisfaction was necessary on the part of the Department of Justice.

Commissioner Hutchinson left the meeting at approximately 7:02 p.m. and returned at 7:03 p.m.

The City Attorney reiterated that the problem was they had to go through the levels of bureaucracy in order to have someone who was willing to put their name on the document and sign it.

Commissioner Smith stated that this matter was too important not to proceed forward. He felt they had to have some faith in the City Attorney that he could make this happen. He stated this could be a "fleeting moment," or it could hang on for another five years. He continued stating that this case had destroyed a lot of morale and brought forward additional cases, and it needed to be settled.

Commissioner Moore reiterated that the issue was not the individual, but the Department of Justice. He felt if that Department was not satisfied with the City, its policies and practices, and its opportunities for females of African descent, then this was a concern for the entire public. He stated that he would support this settlement because of his respect for the City Manager, the City Attorney, and Mr. Rogers, but he hoped there would not be a "boomerang" with the Department.

Commissioner Katz stated that she felt settling was abhorrent in regard to the things which had taken place, but because it was a business decision and would cost additional money to proceed, she would agree.

Mayor Naugle remarked that he did not necessarily review this matter as a business decision, and he hoped that no other employees suffer as Elgin Jones had and this type of matter would never arise in the future.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Task Order - Project 10222 - City Park Garage
Rehabilitation - Inspection Services**

(M-16)

A motion authorizing the property City officials to execute a task order for inspection services for the City Park Garage rehabilitation project.

Commissioner Smith remarked that according to the back-up material provided, they had two choices to make, and he preferred the alternative motion.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the task order as recommended.

Mayor Naugle explained that staff had recommended "A." Commissioner Smith stated that he wanted to move alternative #2 which was a different threshold inspector for the end. He stated that his concern was that one person began with inspecting the project, preparing the construction documents, and inspecting the final product. Now, an alternative was being provided which would permit a different person to inspect the final product, and he felt it was warranted.

Mayor Naugle asked if the maker of the motion wanted to withdraw staff's recommendation, and go with the alternative.

Commissioner Moore asked how much difference in cost it would be if they did the alternative.

Greg Kisela, Assistant City Manager, stated there would be a difference of \$12,000 to \$13,000.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve alternative #2 as proposed. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

Project 8994-A - Lifeguard Stand Replacement Project

(M-17)

A motion authorizing the lifeguard stand replacement project as outlined in the agenda memorandum.

Mayor Naugle stated that they had received a letter from the US Life Saving Association expressing their concerns in regard to the safety of the design they were attempting to approve, which was in relation to the blind spots as pointed out. He felt unless this matter was resolved, he could not support moving forward.

Commissioner Katz stated that a comment had been made about the glass regarding the glare. She suggested that either the matter be deferred to January or that the contractor agree to repair the blind spots and address the glare issue.

Commissioner Smith suggested that the City Manager pull this item because it was still not well-thought out, and the lifeguards' opinions were not taken into consideration.

The City Manager asked Stu Marvin if the lifeguards had the opportunity to provide their input on this matter.

Stu Marvin, Parks and Recreation, stated that the issue had gone back and forth and staff's input had been continuous. He stated that the issues presented dealt with the line-of-sight issue obstruction of the front supports, and discussions were held with the architect who felt there were ways to mitigate the degree of obstruction. He further stated that the length of the ramp was solvable, and the issue of the reflection within the tower had been addressed by the angling of the windows. He further explained they were presently dealing with the modification of the front supports with the input of the consultant.

Jim McCarthy, US Lifesaving Association, stated that he had previously sent letters to the Commission. Commissioner Hutchinson asked Mr. McCarthy for his opinions regarding the lifeguard stands.

Commissioner Moore left the meeting at approximately 7:10 p.m. and returned at 7:11 p.m.

Mr. McCarthy stated that he was originally opposed to the \$45,000 towers because there were blind spots. He reiterated the purpose of the stands was to give the lifeguards an observation of the public. He stated that he had been in the ocean lifeguard business for over 38 years, and no other patrol had such an obstruction and it would present a liability to the City and the bathing public. It was voted down. Mr. McCarthy stated he had met with the consulting engineer and was told they could reduce the aluminum posts and make them stainless steel and narrower. He proceeded to state there were other flaws in the product. He stated there was straight up and down glass, and when the lifeguard looked out, he would see himself. He suggested the matter be deferred until the matters were resolved. He stated also that the lifeguards were not in favor of the stands.

Motion made by Commissioner Hutchinson and seconded by Commissioner Katz to defer the matter until Wednesday, January 22, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

Commissioner Moore left the meeting at approximately 7: 14 p.m.

Mayor Naugle stated that when this comes back before the Commission, he hoped that all the City agencies would approve it.

**Executive Airport - FAR Part 150 Noise
Compatibility Study Update - Federal Aviation
Administration (FAA)**

(R-1)

A resolution authorizing the proper City officials to forward the FAR Part 150 Noise Study Update to the FAA for its review and approval. Notice of proposed resolution was published December 8, 2002.

Bill Crouch, Executive Airport Manager, stated that R-1 was a Resolution authorizing the appropriate City officials to submit the Noise Compatibility Program for Executive Airport to the FAA for approval.

Commissioner Smith left the meeting at approximately 7:15 p.m. and returned at 7:16 p.m.

Mr. Crouch explained that the goal of the Executive Airport was to be the best airport of its type and be a benefit to the community. He stated they were a benefit to the community because they had an annual economic impact of over \$300 Million, but they realized they had a noise impact on the community also and had established noise reduction as their top priority. He stated they had expended considerable resources in this matter and had developed a Comprehensive Noise Compatibility Program. He further added that they were particularly pleased with the cooperation and participation they had received from pilots, concerned citizens, government representatives, as well as elected officials who had helped with this program through serving on the coordinating committee and attending public workshops which had been in effect since April of last year.

Mr. Crouch continued stating that they felt this Noise Compatibility Program was the best opportunity in reducing noise around the airport to the lowest level possible in accordance with the FAA Regulations under which they had to operate. He explained that this Program contained 12 noise abatement elements, 4 land use elements, and 10 continuing program elements focused on education. He stated they agreed the airport had a noise impact on the community, and that airport operations were noisy. He further stated that they understood that airport noise was unacceptable to the community, and that was why they conducted this study and made their recommendations. He added they were committed to reducing noise to the lowest level possible.

Mr. Crouch explained further that the Aviation Advisory Board had reviewed staff's recommendations at their December 12, 2002 meeting, and the Board voted 6-2 to recommend the Noise Compatibility Program with one exception, and that was they had voted to recommend the Noise Compatibility Program

without the weekend restriction for "Touch 'n Go's." The Board discussed the matter and was "robust" in their recommendations which they felt involved economic and aviation issues.

Mr. Crouch stated that if the Commission authorized staff to send this program to the FAA, the FAA would have 180 days to review the program in accordance with their rules and regulations. In addition to the program, he stated they would provide written comments which they had obtained from the public during the process, and also provide the video tapes taken at the workshops. They would also provide any supplementary information that was not included in the initial packet of materials. He explained that after FAA approval and implementation, it would be up to the Commission to determine whether or not the program was effective. Mr. Crouch reiterated that staff's recommendation was that if the program was not effective, they recommended going to the next level which was Federal Aviation Regulation Part 161, Airport Access Restriction consisting of curfews and banning noisy aircraft.

Mr. Crouch stated that they realized their work was not done, but with the cooperation of the community they could reduce the noise and have the airport be a benefit to the community. He stated that Clara Bennett of their staff would explain the public information process associated with the program.

Commissioner Hutchinson clarified that when this went to the Aviation Advisory Board it was a 6-2 vote, and she asked why it had not been unanimous. Mr. Crouch stated that there economic issues involved whereby it cost pilots more to do full-stop landings, taxi around, and take off again, as opposed to doing Touch 'n Go operations. He stated further that the banning of Touch 'n Go's on the weekends was supported by the Board between 10:00 p.m. and 7:00 a.m., but the sticking point was the weekend Touch 'n Go operations and they felt that they should be permitted to continue at the Airport.

Clara Bennett, Executive Airport, stated that in April, 2001, when the City initiated the Part 150 study, the City had established a coordinating committee to work closely with staff and the project consultant in order to review the noise elements, provide feedback, discuss possible remedies, and to advise the City regarding the final list of recommendations. She explained that the committee was comprised of volunteers who represented the community, the users of the Airport, regulatory agencies, and other municipalities adjacent to the airport and impacted by its activities. She stated that members of the public had participated in the process by attending meetings, and open houses used to update the community and gather additional information and feedback. Throughout the process, they had also updated information on the City's web page, government channel 38, ads in the newspapers, and press releases to provide information to the general public.

Ms. Bennett explained that information had also been provided in several homeowner association newsletters. In addition, information was disseminated through 4 project newsletters which were distributed to several thousand homeowners in the northeast Airport area, as well as in the adjacent cities of Tamarac and Oakland Park.

Commissioner Moore returned to the meeting at approximately 7:20 p.m.

Commissioner Smith left the meeting at approximately 7:20 p.m.

Clara Bennett stated they were invited to the Commission meetings at the cities of Oakland Park and Tamarac who expressed their support for the recommendations provided in the study.

Ted Baldwin, Harris, Miller, Miller and Hampton, who were acoustical consultants, explained that Part 150 was a voluntary FAA program which set forth standards for airports to follow in conducting comprehensive studies of their noise/land use issues and in creating solutions that fit their needs. He stated there were about 300 airports around the country involved in the Part 150 process. He further stated that his company had helped about 60 of them in implementing noise abatement measures and conducting studies, and possibly one quarter of them had done an update to their study, and a very small fraction was on their third. He stated that Fort Lauderdale was on its third Part 150 study which indicated that the

City recognized that noise abatement was a continuing effort.

Commissioner Smith returned to the meeting at approximately 7:24 p.m.

Mr. Baldwin stated you always needed to look at ways to make the program better because conditions changed, and that was the reason for this update. He felt in working with the City in a cooperative effort, they could make the program appropriate, modern and effective. He further stated that the Part 150 Study had two principle elements. The first was the so-called noise exposure map. He stated it was more than a map, and was a complete description of the airport, its operations, its layout, the flight tracks the aircraft followed, runways which were used, the times of operations, and the amount of noise made. He stated that the FAA required them to describe the noise exposure using a metric called DNL which was a measure of total exposure over an entire year. He also stated that the FAA required them to look at the land uses within the 65 decibel contour.

Mr. Baldwin stated there would be a transition to a quieter fleet over time due to the fact that the older noisier jets were reaching the end of their economic life and they were being retired. He explained a critical element of the study was the monitoring of this and making sure that it happened.

Mr. Baldwin stated that the second element of the Part 150 Study after the Noise Exposure Map was the Noise Compatibility Program. He continued stating that they also looked at land use measures, and in this case they were looking at them in order to prevent possible future incompatibility. Finally, he stated that the most important element of the Noise Abatement Program was the continuing program elements which were measures to monitor the actual noise and operations, communicate with pilots and citizens, and to make sure the measures were as effective as possible. He explained that the elements were not listed in any order of priority or importance, and were listed in the FAA review based on historical precedent.

Mr. Baldwin proceeded to review the measures involved. He explained that since this was not the first study being done, they were not starting from a clean slate, but were building on a history of noise abatement planning and attempting to make an existing program better and more effective.

1. Restriction of Jet Use of Runway 1331 was the diagonal and shorter runway of the Airport and was infrequently used, and had residential areas immediately at the end. This restriction was first suggested in the middle 1980's. He stated one item they were recommending and wanted the City Commission to approve was upgrading this restriction. Up to now it was an informal or voluntary preferential runway program. He further explained they were proposing to ask the FAA to make this a formal, mandatory program because they wanted the FAA to be a partner with them in implementing such a program.
2. Extension of the Upland Leg of Runway 1331 Turnpike Departures. This meant if you took off from Runway 1331 you needed to maintain runway heading until you got to the Turnpike before making any turns. Normally, lighter, propeller aircraft used this runway, and this kept them from making early turns over the developed areas at the end of the runway. He stated that Palm Aire Village was immediately affected north of the Airport.
3. Turbo Jet Noise Abatement Departure Profiles. He explained that there were many ways a pilot could fly a plane when taking off in a turbo jet aircraft and many technical issues were involved. He stated that the FAA and the National Business Aviation Association and some of the aircraft manufacturers developed procedures in helping aircraft minimize the amount of noise during departures. He further stated this could not be made mandatory for pilots because the pilots in command ultimately decided on what was the safe operation for the aircraft. He stated that the base pilots understood and wanted to work with the Airport to operate the planes as quietly as possible.

4. Runway 26. He explained this was a noise abatement departure heading to the west. Mr. Baldwin this was an informal voluntary procedure at this time, and they were recommending to the FAA that they make it a formal procedure with FAA directional guidance so it could be monitored and positive instructions given to the pilots. He further stated that it involved a noise abatement turn to the northwest after departing. He further stated they were trying to get the pilots to initiate their turns at a point which would lead them through another corridor. He stated in addition there was an FAA navigational aid to use as a turn indicator and was a middle marker for the landings. He explained that the FAA was decommissioning the landing system and they wanted them to maintain the marker as a turn deacon.
5. Runway 8 Departures - I-95. Mr. Baldwin stated that this was a procedure recommended in the early 150 studies and had been initially rejected by the FAA. The FAA felt it directed traffic to other cities which caused some concern. Basically, every aircraft was assigned straight runway headings until they reached the coast. Therefore, since most traffic was going north and west, they suggested the turn along the I-95 corridor. The compromise was that the traffic going east or south would go straight out and slightly turn and once over the water would turn back down. Approximately 75% of the traffic went north and west and every one was assigned the heading along I-95. One of the things they wanted to do was to tighten this up using the navigational aid out of the Fort Lauderdale International Airport to help pilots know when to turn and what headings to use.

In addition, he stated they were requesting the FAA to go one step further and assign the heading to basically every jet aircraft departing. He explained that propeller aircraft were assigned tighter turns.

Mr. Baldwin stated that over the years the City had encouraged people who wanted to develop in the southwest corner of the Airport to construct buildings to act as noise barriers, and provide ground noise relief to the residents living adjacent. He further stated that the Airport had established a restriction requiring aircraft to do maintenance runups during the daylight hours only and on the run-a-pad in the middle of the airport. He stated they wanted to continue implementing this measure without any changes.

6. Quiet One Procedure. Mr. Baldwin stated they were going to request this go to a formal status also. He explained that the pilots had developed this procedure for the hours of 10:00 p.m. to 7:00 a.m. so that aircraft departing to the east and being given the 90 degree heading would request a 360 degree corkscrew turn and climb over the commercial corridor before heading straight out.
7. Preferential Runway. Mr. Baldwin stated that this was another measure which they were requesting be upgraded to a formal measure. He explained that between 10:00 p.m. and 7:00 a.m., winds permitting, all departures would take off on Runway 26 and land on Runway 8. He explained this was safe at night because there were very few operations going on. He stated the compliance with this measure had been quite good over the years. When the City first recommended this, the FAA had turned them down because the tower was closed at night. Therefore, the City had paid about \$200,000 out of the airport fund to pay for the opening of the tower at night so this measure could be implemented. He felt this was a real commitment on the part of the City.
8. Touch and Go Operations. Mr. Baldwin stated there currently was a voluntary restriction of "touch and go" operations at night. He explained that some residents asked for this to be restricted also on weekends. Other airports in the area had adopted this restriction such as Pompano Airport and Boca Raton. He stated they did not want planes landing

here because of their failure to match restrictions of other airports.

9. Vertical Guidance. Mr. Baldwin explained that aircraft was given vertical guidance to land on each runway end, and depending upon the instrumentation was set at 3 degrees or 3 ¼ degrees. They were requesting that this guidance be raised to 3 ½ degrees. He explained this seemed like a small increase but it provided a decibel of improvement and was as high as the FAA would approve.

Mr. Baldwin reiterated that they would like to see all of these recommendations implemented in a formal manner, but in addition the contours for 2007 were smaller than those for 2002 because there was a tradition that the older, noisier corporate jets would be phased out due to economic reasons. They wanted to monitor this and the implementation of all the noise abatement measures, and if they were not implemented by the FAA or the phase out of the older aircraft did not automatically happen, they were recommending that the City then enter into a use restriction study called a Part 161 Study.

Mr. Baldwin stated that the focus had always been on noise abatement and not on putting the burden on land use. He explained they were not recommending any additional noise abatement measures. He stated there were three elements involved. One was that the airport staff downtown would continue to monitor the proposals for redevelopment within the noise contours and provide feedback to developers. In a new development, noise attenuation be required in the buildings. Another issue which caused some confusion was fair disclosure. He explained this was an existing measure which had been implemented for a number of years and stated that the City would provide information to realtors and communities so they would be aware of the results of the Part 150 study, and aware of where the noise contours were located. Realtors could then educate the residents so they would be more informed of the situation.

Mr. Baldwin stated that the last set of elements were the continuation of implementation elements. He explained that the Airport had a Continuing Noise Abatement Advisory Committee which held monthly meetings and gave feedback to the Airport. He stated there were a couple of people who shared noise abatement office duties, and they were now recommending that a third person be added to insure that the monitoring be complete. Mr. Baldwin explained that the Airport had a near state-of-the-art Noise and Operations Monitoring System. He stated that it was about five years old and they were asking for FAA and FDOT funding to have it updated. He explained the software was ANOMS (Airport Noise and Operations Monitoring System) and it was the first installation in the world, and it had since gone on to be the world leader in monitoring systems.

Mr. Baldwin reiterated that it was important to have a continuing public information program. Signs were posted at the Airport and would be updated, along with pilot handouts which went into their manuals. He stated they had committed to doing noise exposure maps and updating the noise compatibility studies every 5 to 6 years, and were working with the FAA to get the Air Terminal Information Service to put a noise abatement message on that service, but that was hard to accomplish. He explained they had used the Ace Awards for pilots who had a high degree of compliance regarding noise abatement procedures. Finally, regular noise abatement workshops provided for pilots because training was extremely important. You had to get the message out there.

Commissioner Katz asked if two additional requests could be added. One was that the Touch 'n Go's not be allowed on holidays or weekends. Mr. Baldwin stated that they had recommended nights and weekends through the process, but holidays moved around and would be hard to plan around. This could be added for the FAA to consider.

Commissioner Katz continued stating that with the Quiet One Departure, she wanted the time to change to 8:00 p.m. from 10:00 p.m. Mr. Baldwin recommended that they break this into separate measures because if the FAA found there were traffic problems, they would not have to throw away the whole measure. He stated this could be added for the FAA's review.

Commissioner Moore clarified that the Touch 'n Go's that were proposed for Saturdays would be removed from the process. Mr. Baldwin confirmed and stated this was being recommended because other local airports had adopted this restriction, and they did not want a situation to develop whereby they took on problems from other airports. He explained they would not be preventing people from doing the training operations, and were permitted during those hours to do full stop landings and taxi back.

Don Campion, President of Banyan Air, stated he ran a business at Executive Airport for the last 23 years and was the President of the FXE Airport Association. He stated this Association was a users association dedicated to assisting and making recommendations to the airport administration regarding planning, safety, improvements, operations, policies, and community concerns for the benefit of the airport users, the traveling public, and the economic and betterment of the community. He stated their membership consisted of the individuals who made their living at FXE, along with those who trained there and the beneficiaries of the Airport. He further stated that the Airport was an important part of the transportation system, acting as the highway into the US from Europe, Central and South America, the Bahamas, and the Caribbean. He explained that during the past year, the users had participated in the workshops and presentations as part of the 150 study process. Mr. Campion stated that the recommendations had been reviewed, and they had collected 660 signatures supporting these recommendations as modified by the Aviation Advisory Board. (He submitted those signatures to the City Commission.) Those modifications included not restricting weekend Touch 'n Go's, but restricting them from 10:00 p.m. until 7:00 a.m. during the week.

Gerry Kahn, Flight Instructor and user at FXE, stated that he wanted to mention a few issues from a pilot's perspective. He explained that light single-engine piston aircraft produce little noise, and was the primary training aircraft at this Airport. He felt that restricting these aircraft in their operation was only a punitive measure without any real benefit to the community. He stated that jet aircraft, such as Lear 24s and Turbo Props, were very loud and were the real source of noise and needed to follow noise abatement procedures, and the noises should be modified with the appropriate hush kits or be restricted from operating after dark and on weekends. He explained that jet and turbo prop practice approaches were done at all hours of the night, and restricting Touch 'n Go's of light aircraft would actually produce the opposite of the desired result. He stated that this matter had turned into an emotional issue, and the real offenders were not being held accountable. He felt the complaining residents were being sold a bill of goods and the focus needed to be on the real noise producers. He reiterated that the recommended restrictions for light aircraft would not accomplish anything, but harming individuals.

Commissioner Moore left the meeting at approximately 7:50 p.m.

Yvonne Tozzi, President of Coral Ridge Isles Homeowners Association, stated that the reduction of the fleet of older jets, the I-95 turn, and the efforts of the Airport staff had resulted in a reduction of noise, but it was a slow process that took several years. She stated that they understood that 70% of the departing jets were making the turn. A tremendous improvement had been made, but even with the improvement aircraft noise still affected the quality of life. She reiterated that the residents still desired noise reduction and even elimination. Therefore, the Association voted to support the Part 150 Study and its recommendations. She explained that they had provided input to the committee and the Airport staff. She reiterated that no one had opposed the study. She stated they understood the importance of a united front of the Airport, community, and government in dealing with the FAA for implementation of the recommendations made in this study. If a Part 161 study would become necessary, they would support this also and applauded the efforts of the committee and Airport staff. She then urged the Commission to approve this so everyone could move forward in unity to make sure the recommendations would be accepted and implemented.

Don Winsett, resident of Imperial Point, stated that he agreed with the Part 150 study and felt it should be passed. He further stated that he also agreed with Commissioner Katz's comments regarding the recommendations. He stated that he was concerned because this was the City's third study and it

appeared that the problem was not going away. He felt they needed to proceed with the Part 161 study. He further stated that the constant possibility of the expansion of the Airport seemed to be the "hot topic," but he wanted the Commission to make a statement or have put in the Charter that there would be no expansion of the Airport. Mr. Winsett did state that he supported the Part 150 study.

Marcia Gallagher, resident of Tamarac, stated she had participated in the Executive Airport meetings and public feedback in the workshops for the last 1 ½ years. She further stated that she had worked with the Airport staff in regard to the specific noise issues in her community. Ms. Gallagher further stated that the City of Tamarac had passed a resolution last Wednesday to support the proposals being made for noise abatement at FXE and for their submission to the FAA. She stated that Tamarac would also be a partner with the City of Fort Lauderdale in gaining public advocacy for the proposals being sent to the FAA. She further stated that the package of recommendations for the Noise Compatibility Program was a good faith effort to provide relief to the surrounding communities, and they encouraged the Commission to support all elements of the program equally. Ms. Gallagher further stated that the night time preference for departures heading west and night time arrivals coming from the west meant greater noise exposure for residents to the west of the Airport. She stated that the 310th departure heading for traffic going west on Runway 26 was considered an important element to her neighborhood, as the I-95 turn was for the communities to the east. Ms. Gallagher stated that the noise had increased at the Airport in the last 8 years. She urged the Commission to approve the recommendations made by the Airport staff. She stated they wanted to see a full-time noise abatement technician hired. She also felt they needed to see a proactive approach in identifying noisy aircraft.

Ms. Gallagher reiterated that they had the opportunity to do something about noisy aircraft flying over the neighborhoods, and the plan for FXE would require FAA approval in the next few months. The FAA would be influenced to approve these recommendations through the support they received from the public. She stated that the plans for the expansion of the Airport should be permanently tabled.

Mary Ann Weaver, representative for the Bay Colony Homes, stated that at the Conference Meeting on Tuesday, December 10, 2002, the Airport stated they wanted an additional \$80,000 for the completion of a Master Plan. She asked the Commission for a statement saying that the \$80,000 would not be spent, and that they recommend a no-build alternative and stop wasting taxpayers' dollars. She believed the subject had been over-studied and the reason the consultants were delaying the second half of the study was to gain more organized support for the expansion of the Airport from the community and to delay things until the City's elections. She suggested they send a no-build recommendation of the Master Plan to the FAA, along with the Part 150 Noise study. She stated they wanted to see the Commission take the lead in a Charter revision for no expansion of the Airport and any future Master Plan for development of the Airport.

Jim Bass, user of Executive Airport, stated that learning how to land an airplane was an extremely difficult job. It took a lot of landings and a lot of feedback. He stated that he did not disagree with the requirement to reduce noise, but the trainer aircraft did not contribute to the noise problem. He preferred to see that portion stricken from the recommendation. He reiterated that the planes contributing to the noise were mostly jets and turbo props. He felt if the Touch 'n Go's were restricted, the amount of time required to reinforce landing skills would be greatly stretched out and would block up the traffic for the schools at the Airport.

George Garrick, representative of Bay Colony, stated that he was in complete agreement with the recommendations proposed.

Samantha Crosby, City of Oakland Park, provided a letter from the City Manager for the record.

Rick Haspar, resident of Coral Ridge Isles, stated that since he graduated from law school 25 years ago, he spent his professional life in aviation regulatory matters. He further stated that since Part 150 had been implemented in the mid-'80's, this study was one of the most well-thought and professionally

articulated studies he had the pleasure to read. He stated there were some exceptions which were the modifications to include restrictions on Touch 'n Go's during the weekends. He urged the Commission to support the proposed recommendations.

Commissioner Hutchinson left the meeting at approximately 8:09 p.m.

Robert Iverson, resident of Bay Colony, stated that the Part 150 study was flawed, and the Master Plan update should first be submitted or simultaneously with this study. He further stated that the residents needed to know what the Airport was planning for the future. He stated that the approval of the Master Plan was contingent upon the environmental study and financial feasibility, so therefore, he did not understand how the Part 150 study could be constructed without knowing this plan. He continued stating that according to the information that had been supplied, there was no reason for expanding the Runways 826 or 1331. He explained that a Boeing 737 only needed 4,970' of runway for takeoff for a 5,000 nautical mile trip, and only 2,315' for landing. He further explained that the smaller Stage III jets needed less. He felt they should be looking at the Stage III aircraft needs and banning older Stage I and II aircraft.

Mr. Iverson stated that the Master Plan and Part 150 study should be submitted together and that no runway expansion position should be adopted to update the 1997 plan which included a 750' extension of Runway 826.

Commissioner Hutchinson returned to the meeting at approximately 8:12 p.m.

Linda Bird, President of Lake Estates Homeowner Association, stated this was the No. 1 issue which negatively affected property values. She continued stating that she had been told by Congressman Shaw that he would support whatever the City Commission recommended. She stated they were in agreement with the noise study, but they did have some comments which had been stated over and over again. They wanted the Touch 'n Go issue to be a recommendation as submitted, and they wanted all the comments given at the public hearings and workshops to be included in the study and did not want them sanitized. Ms. Bird further stated that they wanted a date certain for the restrictions and were concerned about the Part 161 study, and felt it should be done within six months after the Part 150 had been submitted showing that the problems had not been abated. She also stated that the Master Plan should be submitted simultaneously with the Part 150 study, and that they wanted the no-build alternative to be considered in the Master Plan update. She explained that they wanted to see a Charter revision stating that there would be a no-build alternative considered. She stated that the Airport Noise and Capacity Act of 1990 was passed and prior to that they should have objected to the louder aircraft.

Christopher Pollack, resident of Imperial Point, stated that he had bought his house in 1997 and knew they were by the Airport and there would be some noise impact, however, the value of his property had increased because they were a well-developed City. He supported the requests for the noise abatement elements as long as they would not strangle the economic benefits that were derived from this economic engine. He also stated that he was President of the Greater Fort Lauderdale Lodging and Hospitality Association where 4,000 jobs were directly related to the operation of the Airport. Mr. Pollack stated that the owners and operators of the Airport supported the noise abatement elements and were good neighbors, but he felt they should not further restrict the operation.

Christine Teel stated that one of the concerns of the people living in the flight paths was the noise and the effect it had on their quality of life. She stated that her concern was in regard to the affect the noise had on people's physical and emotional health. She hoped that the Commission would support staff's recommendations as presented, and encouraged them to proceed with the Part 161 Study as soon as possible. She further stated that when the nearby airports put in the restrictions regarding the Touch 'n Goes, traffic would all be diverted to this Airport.

Derrick Wallace, Knoll Ridge homeowner, stated that putting restrictions on the Touch 'n Go's would greatly affect the younger pilots, and felt they should reconsider this issue.

Dr. Gene Ingles stated that he was a pilot also and night training was important and was required by the FAA. He felt they should consider providing this, but restricting it to a certain number of times.

Linda Tapp, Montego Bay neighborhood, stated that she wanted to thank the Airport staff and Mr. Baldwin for all the time work that had been accomplished with the study, and she urged the Commission to approve it. She stated that she was aware that the Airport was near her home when she purchased it, but did not realize it would have such an affect on her quality of life. She further stated that in the past changes had been made to the City by listening to the public, and she felt this issue could be resolved without dire economic impacts by doing the same and approving the study. She stated that the Federal Inter Agency Committee on Aviation Noise had over 20 studies that revealed children in noise impact zones were negatively affected, and urged the Commission to review this study carefully.

Dan Dobin, resident of Bay Colony, stated that he lived in Commissioner Katz's district and that she had support of all her constituents because of her unwavering opposition to the Airport expansion. He urged the Commission to listen to the homeowners who were speaking from their hearts and wallets. He stated that the study being proposed tonight was heavily supported, but it was difficult to refute the statistics of the consultants in their attempt to expand the Airport. He stated that this entire effort appeared to "cough their support" for only one reason, the expansion. He explained that they did want to stop the noise pollution, but more importantly they did not want this to be the stepping stone to permit the Commission to be manipulated in supporting the expansion of the Airport. He further stated there were 245,000 takeoffs and landings yearly at this Airport.

Alan Goldberg, Principal of Holland Sheltair Aviation Group and resident of NE Fort Lauderdale, stated that he also served on the Airport Task Force appointed by the Commission to study Fort Lauderdale International Airport which had some of the same issues as the ones they were dealing with tonight. He stated that the aviation group was completely in favor of the Part 150 study and they were convinced that this Airport had to live in harmony with the community. He felt this was a win-win situation because the Airport would continue to operate safely and meet the needs of the community, but at the same time have the opportunity to harness the noise issues and abate them based upon the recommendations being proposed. He felt there was no dispute that this was a very positive step for both the community and the Airport, and the Commission should support this.

Emeril Showmister stated that they lived between the Executive Airport jets and the Pompano Airport helicopters and were pleased about the noise abatement procedures which made it more tolerable for their daily lives. He stated he was also a pilot and explained when a pilot was landing and making an approach the plane was not as noisy as when it was flying or taking off. He applauded the decision to increase the glide slope to 3 1/2° and felt it was safer for the pilot. He further stated that he never understood where the theory of Touch 'n Goes creating noise came from because it was not that which created the noise, but the engine going up during takeoff.

Judy Dobin, resident of Bay Colony, stated that her home was in the flight path, along with her office and her children's school, and in the past year the noise had gotten worse. She felt if the Commission came to her backyard and spent one day with all the noise, they would support every regulation regarding noise abatement, and not support any further airport expansion.

Sandy Anson stated that he worked at FXE but he felt there would be a great economic impact if there were too many restrictions placed on the Airport. He stated the City was growing and needed an expanding airport.

Paul Renneisen, Airport Advisory Board, stated that he was a pilot and supported staff's recommendations.

John Duce stated that he worked at FXE and was looking for a house in the area.

Commissioner Moore left the meeting at approximately 8:40 p.m. and returned at 8:41 p.m.

John McGinnis stated that he was on the Aviation Advisory Board and wanted to bring the Commission up to date regarding Touch 'n Go's. The FAA stated that before passengers could be flown, a pilot needed to make 3 landings and 3 takeoffs within 90 days, and at night he was required to make 3 full stop landings and go back and take off again. He did not think restricting Touch 'n Goes was a good idea. He felt the Airport staff was going out of their way to help the residents in the area.

Commissioner Katz asked if the public comments could be included in the recommendations. Mr. Baldwin confirmed and stated they wanted the FAA to receive these recommendations before the end of the year. He further explained that after the FAA reviewed all documentation, there would be a 45-comment day period in which they would publish their opinions. Commissioner Katz asked if that would only be written comments.

Mr. Crouch stated that they would also submit the videotapes from the public workshops, and they also arranged to have the stenographer transcribe the minutes of the December 10, 2002 Conference Meeting, as well as tonight's meeting to be submitted to the FAA.

Commissioner Katz further asked if there was a date certain regarding a response to the Part 161 study. Mr. Baldwin explained their recommendation was based on experience, and the FAA had made it very clear they would not consider a Part 161 study until it was demonstrated that all non-restrictive measures had been exhausted. He recommended that this Part 150 study be submitted as quickly as possible so feedback could be received regarding the non-restrictive measures, and if the recommendations were not approved, they would then proceed with the 161 study.

Commissioner Katz asked if they did the study and the master plan at the same time, would it slow down the process.

Mr. Crouch stated that the Master Plan and Part 150 Study were begun at the same time in April, 2001, and normally were done concurrently since they shared a lot of the same data. As they progressed through the study effort, they found there was an overriding concern regarding airport noise, and they were receiving negative input from the community regarding any type of further expansion of the Airport. They elected to proceed with the noise effort and the reduction of noise so they could provide the Commission with a maximum amount of flexibility as when to untangle the Master Plan in the future. He explained this would be a policy issue for the City. If staff got a handle on the noise issue, they could then demonstrate their credibility to the community by treating this issue as a top priority.

Commissioner Katz stated that she personally felt that they needed to get this study to the FAA as quickly as possible. She felt that they needed to include the two recommendations made at the beginning and she hoped that the people in the community would write letters to the FAA and Congressman Shaw and Congressman Nelson to support these recommendations. Commissioner Katz stated that she had done a study during the last 4 months regarding the pilots who broke the sound barrier, and began visiting those companies with Mr. Crouch to explain that they needed to follow the rules and listen to their fellow pilots.

Mayor Naugle clarified that Commissioner Katz was making a recommendation to include the restrictions of Touch 'n Go's and the hours of operation regarding the Quiet One procedure from 8:00 p.m.

Mr. Crouch stated that when holidays were mentioned, there were various ones such as Federal, State, and local and they needed to be more specific if they wanted this added to the recommendations. Mr. Crouch suggested that City holidays be followed and a list be provided of those holidays. Commissioner Katz agreed.

Commissioner Moore asked for a clarification of the Touch 'n Go issue. Mr. Crouch explained that there was a voluntary restriction for these Touch 'n Go's from 10:00 p.m. to 7:00 a.m., 7 days a week. Staff's recommendation was that these functions be restricted during the above-mentioned hours, along with restrictions on weekends. Commissioner Katz also recommended that holidays be included. Commissioner Moore asked how many flight schools used this Airport as a home base. Mr. Crouch stated there were a number of flight activities, and there were about 12 individual businesses engaged in activities at this airport. Commissioner Moore further asked what other airports in the County permitted the Touch 'n Go's at different hours. Mr. Crouch stated it was his understanding that North Perry Airport had no such restrictions, but Pompano did have them. Commissioner Moore asked what effect the increased traffic would have on the North Perry Airport if the restrictions as suggested were followed for the FXE. Mr. Baldwin stated it was hard to say but he felt most traffic shifted to daylight hours or they did full stop landings and takeoffs. Based aircraft would mostly stay around home and felt he could not make a definite prediction. He believed there were ways of doing things and it would not have a negative impact.

Commissioner Smith stated that he would support the recommendations and if the problems were not resolved, how quickly could they proceed with the 161 Study. Mr. Baldwin stated that the FAA had a review period of about 6 months, and if the recommendations were approved they would need a test period to see how things worked which he felt should be about six months.

Commissioner Katz introduced the following resolution:

RESOLUTION NO. 02-218

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA, APPROVING
SUBMITTAL OF THE FORT LAUDERDALE EXECUTIVE
AIRPORT DRAFT NOISE COMPATIBILITY PLANNING
STUDY UPDATE TO THE REGIONAL AIRPORTS
DIVISION MANAGER OF THE FEDERAL AVIATION
ADMINISTRATION, PURSUANT TO PART 150 OF
FEDERAL AVIATION REGULATIONS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

Certificate of Public Convenience and Necessity
B.C. Express, Inc.

(PH-1)

A public hearing to consider a resolution approving the application of B.C. Express, Inc. to operate two rental vehicles with chauffeurs over irregular routes within the City, pursuant to Sections 27-191 and 27-192 of the Code of Ordinances. Notice of public hearing was published December 5 and 12, 2002.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

Commissioner Moore stated when they were doing the occupational licenses for ground transportation was their an evaluation done regarding necessity.

Commissioner Hutchinson left the meeting at approximately 9:00 p.m. and returned at 9:01 p.m.

John Simmons, Assistant Director of Community Inspections, stated that there was no requirement on this type of application, and in the past they did obtain an affidavit of usage which outlined the exact use and types of vehicles. He explained this was different from taxi cabs and restricted them from soliciting within the City. The Ordinance required that the vehicles be kept at the place of business until they were hired out. Mr. Simmons further explained that a lot of the work was contracted with government agencies and tour groups and were scheduled in advance.

Commissioner Moore asked if the taxi operators had to deal with necessity when obtaining a certificate for operation. Mr. Simmons confirmed and explained that the ordinance required the committee to determine a necessity in regard to such operations. Commissioner Moore asked why the groups were treated differently and how could they control the impact it would have to the competition in the marketplace. Mr. Simmons explained that it was his understanding that because of the difference in usage, one would have to call the vans into the City and were not permitted to compete with the taxi cabs. The vehicles did not use meters and charged on an hourly, weekly or monthly basis. Commissioner Moore proceeded to ask how certain vehicles had been cited. Mr. Simmons stated that license inspectors had been checking the beach in the last 2 months and some companies had been operating contrary to the rules.

Commission Katz left the meeting at approximately 9:02 p.m. and returned at 9:05 p.m.

Commissioner Moore clarified that Mr. Hasso had met with him and stated he was not aware that he had needed a certificate to operate until he had been cited by a Code Enforcement Inspector. Mr. Hasso, B.C. Hasso Express, confirmed and stated that he had been cited while taking a nap in his van across from a hotel. Commissioner Moore asked him if he had been soliciting business at that location. Mr. Hasso explained that he had just finished an obligation with the State Department and had a run scheduled for the Everglades, but had a lapse time of about one hour and decided to take a break since he was early. Commissioner Moore asked what would happen if he had a certificate and then again fell asleep in front of a hotel.

Mr. Simmons explained that the only option Code Enforcement would have, based upon the fact it was not attached to real property, was to have the Code Team issue a notice to appear in Court to the owner of the business stating they were in violation of the Ordinance.

Commissioner Moore recommended that if there was no need to deal with necessity and the reason they considered the certificates was due to the fact that these operators were called for service, once a delivery was made they would have to leave the area. He asked if some type of contract was used when these operators were called to transport a group.

Commissioner Hutchinson left the meeting at approximately 9:07 p.m. and returned at 9:10 p.m.

Mr. Simmons replied that there was nothing specific in the Ordinance saying what type of proof had to be supplied, but the fact that they were in the area they would have to show that they were picking up a fare. The Ordinance was specific regarding the vehicle was to be stored at the base operation when not being sent on a scheduled pickup.

Commissioner Moore explained that he had brought up this matter because approximately 30 cab drivers had come to his office stating that their livelihoods were being impacted by individuals operating without certificates, and that they were building relationships with hotels and hotel employees. He stated that he then proceeded to call Code Enforcement and asked if there was any validity in this situation, and within a 10-day period many citations had been given to van operators and the such. Commissioner Moore stated that before these certificates were granted, he wanted to make sure there was a methodology in place. He asked the Commission to table all three of the public hearings regarding such certificates until they could review the Ordinance, and determine how to deal with these types of vehicles and make sure the

appropriate manpower was available to carry out the rules of the Ordinance.

Mayor Naugle stated he would be more comfortable in approving these certificates since they complied with the requirements of the Ordinance, but not issue any additional certificates until further discussions were held and backup provided by staff for review.

Commissioner Moore suggested they offer each one of them one certificate so as not to deter their opportunity on giving input regarding the Ordinance and how they could improve it and make it work better. He stated he was concerned about the number of certificates being proposed for issuance in each case.

Mayor Naugle stated that could be a compromise in the matter temporarily.

Commissioner Smith stated he was in favor of issuing the certificates. He stated the reason the operators were cited was because they did not have a license and not for "catnapping" in front of a hotel. He felt competition was good for the City and was the "American ideal," and he did not feel they were competing with the taxi drivers and offered an additional service. He further stated that one criticism made about the City was that different types of mass transit was not offered, and this could be one of them. He stated they had adversely affected this operator's livelihood. He reiterated that he was in support of issuing the certificates.

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-219

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO ROBERT C. HASSO, D/B/A B.C.'S EXPRESS TO OPERATE RENTAL VEHICLES WITH CHAUFFEURS PURSUANT TO SECTIONS 27-191 AND 27-192 OF THE CODE OF ORDINANCES.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Hutchinson, Katz and Mayor Naugle. NAYS: Commissioner Moore.

**Certificate of Public Convenience and Necessity -
John-John Airport Shuttle, Inc.**

(PH-2)

A public hearing to consider a resolution approving the application of John-John Airport Shuttle, Inc. to operate five rental vehicles with chauffeurs over irregular routes within the City, pursuant to Sections 27-191 and 27-192 of the Code or Ordinances. Notice of public hearing was published December 5 and 12, 2002.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

Commissioner Smith asked that this matter be tabled until the next meeting because the applicant needed to be present.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to defer the matter until January 7, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Certificate of Public Convenience and Necessity -
COL-USA Transports, Inc.**

(PH-3)

A public hearing to consider a resolution approving the application of COL-USA Transports, Inc. to operate one rental vehicle with a chauffeur over irregular routes within the City, pursuant to Sections 27-191 and 27-192 of the Code of Ordinances. Notice of public hearing was published December 5 and 12, 2002.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to defer this matter until January 7, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

Commissioner Moore stated that he wanted the City Attorney and staff to review the reason why this was titled a "Certificate of Public Convenience and Necessity" since he was being told this was not a necessity judgment.

Mayor Naugle replied that years ago a lengthy discussion had been held regarding executive cars and limousines, and a decision was made stating they were luxury items and would not be treated the same as taxis. It was a policy decision in the past of the Commission not to regulate the number, but be certain they had proper insurance, safety of the cars were considered, and that the owners/operators had a good financial background.

Commissioner Moore stated they had discussed town cars and limousines, but these matters involved vans which he felt was different.

ORDINANCES

**Waterworks 2011 Water and Wastewater Capital
Improvement Program (CIP)**

(O-1)

An ordinance amending Chapter 28 of the Code of ordinances entitled, "Water, Wastewater and Stormwater," to address the Waterworks 2011 Water and Wastewater CIP by amending Section 28-26 to provide for additional definitions; Section 28-76, "Wastewater User Rates," to provide for sewer connection charges and payment options, to provide for a ten (10) percent surcharge on wastewater rates to new users connecting to the new wastewater system to amend such other sections of Chapter 28 necessary to make sections consistent. Ordinance No. C-02-39 was published November 28 and December 5, 2002, and was approved on first reading December 10, 2002 by a vote of 5-0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-39

AN ORDINANCE AMENDING CHAPTER 28, "WATER, WASTEWATER AND STORMWATER," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO ADDRESS THE WATERWORKS 2011 WATER AND WASTEWATER CAPITAL IMPROVEMENT PROGRAM BY AMENDING SECTION 28-26 TO PROVIDE FOR ADDITIONAL DEFINITIONS; SECTION 28-76, 'WASTEWATER USER RATES,' TO PROVIDE FOR SEWER CONNECTION FEES AND PAYMENT OPTIONS, TO PROVIDE FOR A TEN PERCENT SURCHARGE ON NEW USER SERVICE CONNECTIONS TO THE WASTEWATER SYSTEM AND TO AMEND SUCH OTHER SECTIONS OF CHAPTER 28 NECESSARY TO MAKE ALL SECTIONS CONSISTENT.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

Rezone RM-15 to CF-H – St. Christopher Episcopal Church (PZ Case No. 8-Z-02)

(O-2)

At the October 16, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 9-0 that the following application be approved. Ordinance No. C-02-40 was published November 28 and December 5, 2002, and was approved on first reading December 10, 2002 by a vote of 4-0.

Applicant: St. Christopher Episcopal Church
Request: Rezone RM-15 to CF-H
Location: 318 N.W. 6 Avenue

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-40

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RM-15 to CF-H, THE NORTH 25.00 FEET OF LOT 35, LOTS 36 THROUGH 43 AND THE NORTH 25.00 FEET OF LOT 44, "DAMES SUBDIVISION OF BRYAN SUBDIVISION," IN BLOCK 5, FORT LAUDERDALE, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 121, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, LOCATED ON THE SOUTH SIDE OF NORTHWEST 4TH STREET, BETWEEN NORTHWEST 5TH AVENUE AND NORTHWEST 6TH AVENUE, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE

OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED
THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Public Purpose Use/Site Plan Approval/ I-
Florida Power and Light - Powerline Substation
(PZ Case No. 98-R-02)**

(O-3)

At the October 16, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 8-1 that the following application be approved. Ordinance No. C-02-41 was published November 28 and December 5, 2002, and was approved on first reading December 10, 2002 by a vote of 5-0.

Applicant: Florida Power and Light (FPL)
Request: Public Purpose Use/Site Plan Approval/I
Location: North of N.W. 57 Place, between the CSX/Tri-Rail Railroad and N.W. 9 Avenue
(Powerline Road)

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-41

AN ORDINANCE APPROVING A PUBLIC PURPOSE USE OF PROPERTY FOR A FLORIDA POWER AND LIGHT ELECTRICAL SUBSTATION LOCATED NORTH OF N.W. 57TH PLACE BETWEEN THE CSX/TRI-RAIL RAILROAD AND N.W. 9TH AVENUE, IN FORT LAUDERDALE, FLORIDA, IN AN "I" ZONING DISTRICT THAT DOES NOT MEET CERTAIN REQUIREMENTS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS; GRANTING RELIEF FROM THE LIST OF PERMITTED AND CONDITIONAL USES FOR AN ELECTRICAL SUBSTATION IN AN "I" ZONING DISTRICT PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Public Purpose Use/Site Plan Approval/C -
Florida Power and Light - Verena Substation
(PZ Case No. 118-R-02)**

(O-4)

At the November 20, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 6-0 that the following application be approved. Ordinance No. C-02-42 was published November 28, and December 5, 2002, and was approved on first reading December 10, 2002 by a vote of 5-0.

Applicant: Florida Power and Light (FPL)
Request: Public Purpose Use/Site Plan Approval/C
Location: 1401 N.E. 13 Avenue

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-42

AN ORDINANCE APPROVING A PUBLIC PURPOSE USE OF PROPERTY FOR A FLORIDA POWER AND LIGHT ELECTRICAL SUBSTATION LOCATED AT 1401 N.E. 13TH AVENUE IN FORT LAUDERDALE, FLORIDA, IN A B-3 ZONING DISTRICT THAT DOES NOT MEET CERTAIN REQUIREMENTS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS; GRANTING RELIEF FROM THE LIST OF PERMITTED AND CONDITIONAL USES FOR AN ELECTRICAL SUBSTATION IN A B-3 ZONING DISTRICT; AND THE PARKING REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Public Purpose Use/Site Plan Approval/RAC-SMU--
Florida Power and Light - Orchid Substation
(PZ Case No. 97-R-02)**

(O-5)

At the October 16, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 8-1 that the following application be approved. Ordinance No. C-02-36 was published November 7 and 14, 2002, and approved on first reading November 19, 2002 by a vote of 5-0. On December 10, 2002, the City Commission deferred second reading to December 17, 2002 by a vote of 5-0.

Applicant: Florida Power and Light (FPL)
Request: Public Purpose Use/Site Plan Approval/RAC-SMU
Location: Northwest corner of S.W. 3 Avenue and S.W. 7 Street (645 S.W. 2 Avenue)

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-36

AN ORDINANCE APPROVING A PUBLIC PURPOSE USE OF PROPERTY FOR A FLORIDA POWER AND LIGHT ELECTRICAL SUBSTATION LOCATED AT 645 SW 2ND AVENUE IN FORT LAUDERDALE, FLORIDA, IN AN RAC-SMU ZONING DISTRICT THAT DOES NOT MEET CERTAIN REQUIREMENTS OF THE UNIFIED LAND DEVELOPMENT REGULATIONS; GRANTING RELIEF FROM THE LIST OF PERMITTED AND CONDITIONAL USES FOR AN ELECTRICAL SUBSTATION IN AN RAC-SMU ZONING DISTRICT; THE MAXIMUM HEIGHT REQUIREMENT FOR FENCES AND WALLS; AND THE PARKING REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only.

Commissioner Hutchinson stated that she had asked that this matter be deferred until this meeting, and asked David Rose if he had any further comments to make. She stated that the Commission had received his correspondence stating that FPL had satisfied the conditions requested.

Individuals wishing to speak on this item were sworn in.

David Rose, President of Tarpon River Homeowners Association, stated that all issues had been resolved and there were agreements in writing and signed by all parties involved.

Commissioner Hutchinson stated that she wanted an update on the 17th Avenue project and how it related to Victoria Park and Colee Hammock.

Commissioner Katz left the meeting at approximately 9:24 p.m. and returned at 9:25 p.m.

Pam Rauch, in-house counsel for FPL, stated that the 17th Avenue project was still at the FPL Citizens Advisory Committee (CAC).

Greg Kisela, Assistant City Manager, stated that there were two sessions scheduled for January with both Victoria Park and Colee Hammock in order to review the alternatives. He hoped that within 60-90 days they would have alternatives which would be acceptable to all parties involved.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Public Purpose Use/Site Plan Approval/U –
Florida Power and Light - Southside Substation
(PZ Case No. 119-R-02)**

(O-6)

At the October 16, 2002 Planning and Zoning Board regular meeting it was recommended by a vote of 8-1 that the following application be approved. Ordinance No. C-02-37 was published November 7 and 14, 2002, and approved on first reading November 19, 2002 by a vote of 5-0. On December 10, 2002, the City Commission deferred second reading to December 17, 2002 by a vote of 5-0.

Applicant: Florida Power and Light (FPL)
Request: Public Purpose Use/Site Plan Approval/U
Location: Northwest corner of S.W. 9 Street and the FEC
Railroad (200 S.W. 7 Street)

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-37

AN ORDINANCE APPROVING A MODIFICATION TO A
PUBLIC PURPOSE USE OF PROPERTY FOR A FLORIDA
POWER AND LIGHT ELECTRICAL SUBSTATION
LOCATED AT 200 SW 7TH STREET IN FORT LAUDERDALE,
FLORIDA, IN A UTILITY (U) ZONING DISTRICT THAT DOES
NOT MEET CERTAIN REQUIREMENTS OF THE UNIFIED
LAND DEVELOPMENT REGULATIONS; GRANTING RELIEF
FROM THE MAXIMUM HEIGHT REQUIREMENT FOR
FENCES AND WALLS PURSUANT TO SECTION 47-18.26
OF THE UNIFIED LAND DEVELOPMENT REGULATIONS
OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

Amendment to Pay Plan

(O-7)

An ordinance amending the Pay Plan of the City to provide for new classes, the deletion of a class, the adjustment of the pay range of a class, and amend the Wellness Incentive Program to incorporate the Intervent Program into the management benefit package, all in Schedule I; and further amending Ordinance No. C-94-22 to provide non-bargaining unit Confidential Schedule II employees with the Intervent Wellness Incentive Program. Ordinance No. C-02-43 was published November 30, 2002, and was approved on first reading December 10, 2002 by a vote of 5-0.

Commissioner Moore asked about the status regarding finding the person who would be in charge of the Employee Benefits Coordination.

John Panoch, Personnel Director, stated that the Employee Benefits Coordinator would close on December 20, 2002, and 65 applications had been received. He stated the examination would be scheduled for some time in January 2003. Commissioner Moore asked if the pay raise they were asking for in this particular ordinance was commensurate to the other cities in the County. Mr. Panoch confirmed. Commissioner Moore asked if it was at the 60 percentile or 70 percentile. Mr. Panoch stated it should be in that range and could not give any other specifics this evening.

Commissioner Moore stated he wanted to pull this item, but would support all other items. He explained that a standard had been set in the City that they would hire individuals in the 60 percentile and be competitive in their hiring ranges and wanted specific answers.

Commissioner Moore introduced the following ordinance on second reading, as amended:

ORDINANCE NO. C-02-43

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR NEW CLASSES, THE DELETION OF A CLASS, THE ADJUSTMENT OF THE PAY RANGE OF A CLASS, AND AMENDING THE WELLNESS INCENTIVE PROGRAM TO INCORPORATE THE INTERVENT PROGRAM INTO THE MANAGEMENT BENEFIT PACKAGE, ALL IN SCHEDULE I; AND FURTHER AMENDING ORDINANCE NO. C-94-22 TO PROVIDE NON-BARGAINING UNIT CONFIDENTIAL SCHEDULE EMPLOYEES WITH THE INTERVENT WELLNESS INCENTIVE PROGRAM.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Amendment to Ordinance No. C-96-62 –
Budget Advisory Board Terms**

(O-8)

An ordinance amending Ordinance No. C-96-62 which created the Budget Advisory Board, to amend the date a board member's term of office begins and to approve a one-time extension of the term of office for existing board members to coincide with the City's fiscal year. Ordinance No. C-02-44 was published November 30, 2002, and was approved on first reading December 10, 2002 by a vote of 5-0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-44

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-96-62 WHICH CREATED THE BUDGET ADVISORY BOARD TO AMEND THE DATE A BOARD MEMBER'S TERM OF OFFICE BEGINS AND TO AMEND THE DATE THE TERM OF OFFICE ENDS FOR EXISTING BOARD MEMBERS TO COINCIDE WITH THE CITY'S FISCAL YEAR.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Amend Section 47-24.2.A.5.b "Administrative
Approval of Amendments To Site Plan Level III or IV"
And Section 47-26.A.2 "City Commission Request for
Review" – Unified Land Development Regulations (ULDR) -
City of Fort Lauderdale (PZ Case No. 8-T-02)**

(O-9)

At the October 16, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 9-0 that the following application be approved. Notice of proposed ordinance was published December 7, 2002.

Applicant: City of Fort Lauderdale/Construction Services Bureau
Request: Amend Section 47-24.2.A.5.b "Administrative Approval
Of Amendments to Site Plan Level III or IV" and Section
47-26.A.2 "City Commission Request for Review"

ORDINANCE NO. C-02-45

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO AMEND SECTION 47-24.2.A.5 TO REVISE THE AUTHORITY AND PROCESS FOR DEPARTMENT APPROVAL OF A SITE PLAN AMENDMENT; TO REQUIRE CITY COMMISSION REQUEST FOR REVIEW WITHIN AN EXPEDITED TIME PERIOD FOR SITE PLAN AMENDMENTS APPROVED BY THE DEPARTMENT AND TO PROVIDE AN EXTENDED TIME PERIOD FOR CITY COMMISSION REQUEST FOR REVIEW IN THE EVENT NO CITY COMMISSION MEETING IS HELD WITHIN THE REQUIRED TIME.

Which ordinance was read by title only.

Commissioner Katz proceeded to read a proposed change on the first page as follows:

"...permit up to a 5% increase in height..."

Commissioner Katz asked what the 5% referred to in height.

Don Morris, Planning and Zoning, stated the 5% increase in height was the approved height of the building by the approving body.

Commissioner Katz proceeded to ask what would be the 5% increase in the floor area. Mr. Morris stated it would be the same. If they were requesting an increase of 5% it would be whatever was approved under the original site plan. Commissioner Katz suggested that this be included so everyone would understand it more clearly. Mr. Morris agreed.

Commissioner Katz proceeded to read No. 6 on page 2 as follows: "...continue to permit inter-cosmetic alterations of the external facade..." She asked if photographs would be supplied. Mr. Morris stated they would keep the requirement of having the applicant submit the side elevations, along with a design narrative discussing the important elements of the design.

Commissioner Moore left the meeting at approximately 9:31 p.m. and returned at 9:33 p.m.

Commissioner Katz asked if a photograph could be supplied of what it was before and what it would look like afterwards. Mr. Morris agreed.

Commissioner Katz then stated that No. 12 on page 3 stated: "...the proposed amendment would be required to be reviewed and approved by the reviewing authority that approved the development permit sought to be amended in accordance with procedures for review and approval of a new site plan." Commissioner Katz clarified that if P&Z approved it, it would go back before that body. Mr. Morris confirmed and stated that a staff review would be done and then whatever approving body had been involved it would go back to that body which had the final approving authority. Commissioner Katz stated she was concerned that this would be misinterpreted and misunderstood and wanted the wording to be clearer.

Commissioner Smith suggested the words "ultimate reviewing body" be used instead.

Mayor Naugle remarked that when this came back for a second reading, they would ask the City Attorney to clarify the wording.

Mr. Morris explained that all planning and zoning actions would be subject to call-up.

Commissioner Katz stated that on page 4, under "Additional Administrative Review Process Changes, No. 1 - Clarify in staff memoranda that approval of the project was limited to the site plan and elevations required and do not include the artist's renderings." She stated they wanted to make sure it was consistent with the site plan and proceeded to ask how that could be done.

Mr. Morris stated the elevations were to be a clear and accurate depiction of what the building would look like, and sometimes artist's renderings were not clear pictures. Commissioner Katz stated that other cities were more stringent about the artist's renderings.

Commissioner Hutchinson asked if the site plan was more specific and felt they should be reviewing those instead of the artist's rendering. Mr. Morris agreed.

Commissioner Katz stated she wanted to go the extra step and possibly they should have a picture that would show what they were expecting to see. Mr. Morris explained they could provide an artist's rendering, but they would be approving the elevation which was part of the site plan.

Commissioner Moore asked if that was why they were asking for the narrative to go through the DRC process. Mr. Morris confirmed and explained that if changes were being made to the elevations, they would have a narrative to refer back to in order to make sure they were not exceeding any of the parameters they put forth as part of their approvals.

Commissioner Katz stated that the picture should be consistent with the site plan and not be so different.

Bruce Chatterton, Planning and Zoning Services Manager, stated that artist renderings were by nature an embellishment and were putting their "best foot forward" for the project, and the elevations associated with the site plan had to be "matter of fact" and were required to show all elements. He stated that with multi-story buildings in certain areas of the City, they were requiring applicants to produce a virtual image.

Commissioner Katz reiterated that if a 3-D picture could be obtained, they would then have a reasonable level of expectation regarding the project. Commissioner Moore stated they had been requesting this for about 5 years, and asked why they had not been included. Mr. Chatterton stated they were now requesting it and it was required at the DRC level on up for multi-story buildings, especially when they were going to have a visual impact on the community.

Commissioner Hutchinson asked at what floor did they start doing this. Mr. Chatterton stated they were requiring them for 5 floors and up.

Commissioner Smith stated that the artist renderings usually showed matured landscaping. He further stated that if there was going to be a change in height or FAR, he felt the neighborhood associations should be contacted, along with the concerned Commissioner. Mr. Morris explained that the same notification requirements for any PZ Board would be in place regarding changes. Commissioner Smith stated that there could be an administrative change and it would not go back anywhere, and the Commissioners just had the opportunity for call-up. He wanted the neighborhood to be made aware of the changes at the same time.

Cecelia Hollar, Director Construction Services, stated that they met once a week on these and she didn't feel it would be possible to send out such notice. She suggested that before the second reading, they could possibly come up with a solution.

Commissioner Moore stated that he was going to beg Mr. Chatterton and staff to include the 3-D images in the Ordinance. Mr. Chatterton remarked that they should have been receiving the images for the projects on the beach and in the downtown which had an impact on the neighborhood. Commissioner Moore reiterated that he wanted it included in the amendments if there was to be a reduction or increase. Mr. Chatterton confirmed and stated this was part of the factual information they were basing their approvals on.

The City Manager stated that they needed to add this provision to the Ordinance for the second reading. Mr. Chatterton remarked that was understood.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Tax Increment Revenue Bonds for \$11,000,000 –
Northwest-Progresso-Flagler Heights Community
Redevelopment Area**

(R-2)

A resolution approving the City's issuance of not to exceed \$11,000,000 Fort Lauderdale Community Redevelopment Agency (CRA) Tax Increment Revenue Bonds, Series 2003 (Northwest-Progresso-Flagler Heights Community Redevelopment Area Project).

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-220

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE ISSUANCE OF NOT TO EXCEED \$11,000,000 FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY TAX INCREMENT REVENUE BONDS, SERIES 2003 (NORTHWEST-PROGRESSO-FLAGLER HEIGHTS COMMUNITY REDEVELOPMENT AREA PROJECT) FOR PURPOSES OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING FOR AN EFFECTIVE DATE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

Vacate Utility Easement - Twenty-Five, LLC
(DRC Case No. 7-M-02)

(R-3)

A resolution authorizing the vacation of a utility easement abutting Parcel A, Federal Highway, and 2nd Street (CBD Plat, Plat Book 153, Page 49).

Applicant: Twenty-Five, LLC
Request: Vacate utility easement
Location: Northwest intersection of N.E. 2 Street and North Federal Highway

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-221

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING ALL OF THAT 6 FOOT UTILITY EASEMENT IN PARCEL "A", "FEDERAL HIGHWAY AND 2ND STREET CBD PLAT," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 49, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE NORTH SIDE OF NORTHEAST 2ND STREET, APPROXIMATELY 63 FEET WEST OF THE WEST RIGHT OF WAY LINE OF NORTH FEDERAL HIGHWAY, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

Intent to Convey Public Property - Fort Lauderdale
Community Redevelopment Agency (CRA) - Las Olas
Intracoastal Municipal Parking Lot

(R-4)

A resolution declaring the City's intent, pursuant to Section 8.02 of the City Charter, to convey a portion of certain public property platted as Las Olas Del Mar I, Parcels A and B, also known as the Las Olas Intracoastal Municipal Parking Lot, to the CRA; and further scheduling a public hearing for consideration of such conveyance of public property to be held Wednesday, January 22, 2003 at 6:00 p.m.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-222

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DETERMINING AND DECLARING ITS INTENTION TO CONVEY CERTAIN PUBLIC PROPERTIES KNOWN AS THE LAS OLAS INTRACOASTAL MUNICIPAL PARKING LOT LOCATED ON LAS OLAS BOULEVARD, LAS OLAS CIRCLE AND BIRCH

ROAD TO THE FORT LAUDERDALE COMMUNITY
REDEVELOPMENT AGENCY FOR REDEVELOPMENT IN
THE CENTRAL BEACH COMMUNITY REDEVELOPMENT
AREA, AND DESIGNATING A DATE AND TIME FOR A
PUBLIC HEARING UPON SUCH PROPOSAL.

Which resolution was read by title only.

Mayor Naugle stated that this got everyone closer to entering into a lease and having a development agreement for this parcel, but he asked when the developer had been selected for this project, he had listed minority and women business participants involved in the project. He further asked if there was any idea that the developer was going to shrink away from such commitments.

Chuck Adams, Beach Redevelopment Manager, stated that in the proposal submitted by the developer, they had indicated a list of consultants which would be involved in the project. There was a question involving the continuation of one of the consultants on the project, but it was not an issue relating to the RFP requirements. He explained that the RFP requirements emphasized the development team, and not the consultant team.

Mayor Naugle asked if it was a minority or woman business enterprise that was going to be eliminated. Mr. Adams stated that the firm in question was the Tamara Peacock Architectural Firm, and in the RFP response there was an indication that they would be doing work in regard to the north development project. Some discussions had been held with the developer and that firm in regard to them continuing in such a role. He stated further that the developers were present at tonight's meeting if the Commission wanted further explanation. Mayor Naugle asked if that would be a request to the City to allow that change. Mr. Adams explained they had not in the past gone to the level of reviewing the actual consulting teams or changes therein, but they did emphasize that they had to review and approve any changes within the development team. Mayor Naugle reiterated that if someone made a commitment to include such groups and then after getting the project they "dumped" those groups, would they substitute with another group of that type. Mr. Adams explained that if it was the Commission's desire that they contract for that type of participation that could be a consideration.

Commissioner Katz asked who was doing the negotiating on behalf of the City with the developer. Mr. Adams stated that the City's negotiating team had multiple participants. He explained he was the lead negotiator for the City, and there was substantial participation from the parking system and administrative services, including Bruce Larkin, Doug Gottshall, Hector Castro, and Peter Partington.

Commissioner Katz asked what happened with Mr. David Cardwell. Mr. Adams explained that he was the attorney for the CRA and his role was to work on the agreements and participate in the discussions and negotiations with the City and development team. He explained there were 7 agreements associated with this project and were relatively complex, and some did not trigger the expertise of the CRA field he represented. Mr. Adams further stated that Sharon Miller, Assistant City Attorney, was also assigned to the process. Commissioner Katz stated she wanted to make sure there was expertise available in dealing with all the negotiations with the developer.

Commissioner Moore stated the developer of this particular project was a minority, as was the major holder. He agreed with the Mayor that they should make sure that if the developer presented participation of such groups, they be held to that commitment. He asked that the subject of minority participation be placed on the agenda for February, 2003 Conference Meeting.

Mayor Naugle stated that when a developer placed this in his application in order to entice the City to vote for him, they be held to such commitments.

The City Manager stated that he wanted to assure Commissioner Katz that the City had the right negotiating team protecting the interests of the City. He reiterated that Mr. Cardwell had expertise in CRA matters.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Triennial Municipal Primary and Regular
Elections - February 11, 2003 and March 11, 2003**

(R-5)

A resolution scheduling the triennial Municipal Primary and Regular elections to be held Tuesday, February 11, 2003 and Tuesday, March 11, 2003, respectively, in accordance with Section 7.12 of the City Charter.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 02-223

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CALLING THE REGULAR TRIENNIAL MUNICIPAL PRIMARY ELECTION TO BE HELD ON FEBRUARY 11, 2003, TO NOMINATE QUALIFIED PERSONS FOR THE OFFICES OF MAYOR-COMMISSIONER AND CITY COMMISSIONER FROM COMMISSION DISTRICTS 1 THROUGH 4, RESPECTIVELY AND CALLING THE REGULAR TRIENNIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 11, 2003, TO ELECT A MAYOR-COMMISSIONER AND FOUR CITY COMMISSIONERS.

Which resolution was read by title only.

Commissioner Moore asked if there had been an increase in the cost of the elections based upon the new equipment they used. The City Clerk stated she would provide a report at the next meeting.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

Advisory Board Appointments

(OB)

The City Clerk announced that she had given the Commission a note regarding the DDA Board Appointments and what the tally was of the vote that had been taken. She further stated the results were as follows:

Bill Scherer	-	3 votes
Peter Feldman	-	2 votes

Mr. Scherer's office address was 633 S. Federal Highway.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that the Commission give unanimous support for the name that had the majority of the votes which was Bill Scherer.

Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

The City Clerk announced the appointees/reappointees who were the subject of this resolution:

Board of Adjustment (Alternates)	Albert P. Massey, III Scott Strawbridge
Board of Trustees, General Employees Retirement System	Rocci Lombard
Board of Trustees, Police and Firefighters Retirement System	Tom Karl Topor
Budget Advisory Board	Keith Nicholson
Citizen Review Board	Fenel Antoine Linda Shallenberger Patricia Mayers Gerlyn Cadet Arnold R. Cooper Captain Bob Lamberti Captain Kevin J. Sheehan Detective Edward Robinson

Ted Fling and George Caldwell to be invited for the 1/7/03 meeting for the purpose of being interviewed.

Downtown Development Authority	William Scherer
Education Advisory Board	Dr. Gina Eyermin
Unsafe Structures and Housing Appeals Board	George "Trey" A. Morgan, III

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-224

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, APPOINTING BOARD
MEMBERS AS SET FORTH IN THE EXHIBIT ATTACHED
HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Florida Department of Transportation (FDOT)
Downtown Fort Lauderdale Connection Study -
I-95 High Occupancy Vehicle System/Tri-Rail
Corridor and the Downtown Regional Activity Center**

(OB)

Commissioner Smith introduced the following resolution:

RESOLUTION NO. 02-225

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE FLORIDA DEPARTMENT OF TRANSPORTATION'S (FDOT) PROPOSAL FOR A HIGH CAPACITY TRANSIT BETWEEN DOWNTOWN FORT LAUDERDALE AND THE I-95 TRI-RAIL CORRIDOR, AND SUPPORTING FDOT'S STUDY INTO ALTERNATIVE TRANSIT SYSTEMS FOR THIS CONNECTION, AND SUPPORTING FUTURE FUNDING INITIATIVES FOR CONTINUING WORK ON THIS SYSTEM.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

**Florida Department of Transportation (FDOT) -
Florida Turnpike Widening Improvements -
North of Sunrise Boulevard to Atlantic Boulevard**

(OB)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 02-226

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, OPPOSING THE PROPOSAL BY THE FLORIDA DEPARTMENT OF TRANSPORTATION TO UNDERTAKE A PROJECT DEVELOPMENT AND ENVIRONMENT (PD&E) STUDY INTO THE WIDENING OF THE TURNPIKE FROM GRIFFIN ROAD TO ATLANTIC BOULEVARD AND OPPOSING ANY CONSIDERATION OF A NEW INTERCHANGE OF THE TURNPIKE WITH OAKLAND PARK BOULEVARD.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, Katz and Mayor Naugle. NAYS: None.

The City Manager stated they were in contact with the County in regard to the community bus and the County was agreeable to extend the date until January 5, 2003 for ADA requirements, and to extend the date until January 22, 2003 regarding the hybrids.

Mayor Naugle wished everyone a Wonderful Holiday and a Happy New Year.

There being no further business to come before the Commission, the meeting was adjourned at approximately 10:00 p.m.

Jim Naugle
Mayor

ATTEST:

Lucy Kisela
City Clerk